



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,375	04/13/2004	Hironori Ito	5000-5168	4836
27123	7590	06/29/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			QUARTERMAN, KEVIN J	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,375

Applicant(s)

ITO ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152). |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0404; 0106</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirasaki (US 5,834,894).

3. Regarding independent claim 1, Shirasaki discloses an organic electroluminescent element comprising an organic luminescent material having electroluminescent characteristics and which suppresses generation of ultraviolet light (col. 7, ln. 18-20), wherein the organic luminescent material is made only of a material that emits light having a wavelength of no less than 380nm and no more than 800nm (col. 6, ln. 12-52).

4. Regarding claim 2, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, and wherein each organic luminescent material emits light the color of which is different from the color of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-52).

5. Regarding claim 3, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, wherein each organic luminescent material emits light

Art Unit: 2879

having a peak wavelength that is different from the peak wavelength of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-19).

6. Regarding claim 4, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, wherein the organic luminescent materials include an organic luminescent material that emits red light, an organic luminescent material that emits blue light, and an organic luminescent material that emits green light (col. 6, ln. 12-52).

7. Regarding independent claim 5, Figure 1 of Shirasaki shows a lighting system for suppressing generation of ultraviolet light (col. 7, ln. 18-20), the lighting system comprising a substrate (12) and an organic electroluminescent element (11) located on the substrate, wherein the organic electroluminescent element includes an organic luminescent material having electroluminescent characteristics and suppresses generation of ultraviolet light (col. 7, ln. 18-20), and wherein the organic luminescent material is made only of a material that emits light having a wavelength of no less than 380nm and no more than 800nm (col. 6, ln. 12-52).

8. Regarding claim 6, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where attraction of insects is not desired" does not result in a structural difference between the

Art Unit: 2879

claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

9. Regarding claim 7, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a patient having a light-sensitive disorder is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

10. Regarding claim 8, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a patient having xeroderma pigmentosum syndrome is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

11. Regarding claim 9, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the

Art Unit: 2879

instant case, the recitation that "the lighting system is used for lighting an exhibit" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

12. Regarding independent claim 10, Shirasaki discloses an organic electroluminescent element comprising a plurality of organic luminescent materials having electroluminescent characteristics and which suppresses generation of ultraviolet light (col. 7, ln. 18-20), wherein the organic luminescent materials are made only of a materials that emits light having a wavelength of no less than 380nm, and wherein light emitted from at least one of the organic luminescent materials has a wavelength of no more than 800nm (col. 6, ln. 12-52).

13. Regarding claim 11, Shirasaki discloses each organic luminescent material emitting light the color of which is different from the color of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-52).

14. Regarding claim 12, Shirasaki discloses each organic luminescent material emitting light having a peak wavelength that is different from the peak wavelength of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-19).

15. Regarding claim 13, Shirasaki discloses the organic luminescent materials including an organic luminescent material that emits red light, an organic luminescent material that emits blue light, and an organic luminescent material that emits green light (col. 6, ln. 12-52).

16. Regarding independent claim 14, Figure 1 of Shirasaki shows a lighting system for suppressing generation of ultraviolet light (col. 7, ln. 18-20), the lighting system comprising a substrate (12) and an organic electroluminescent element (11) located on the substrate, wherein the organic electroluminescent element includes a plurality of organic luminescent materials having electroluminescent characteristics and which suppresses generation of ultraviolet light (col. 7, ln. 18-20), wherein the organic luminescent materials are made only of a materials that emits light having a wavelength of no less than 380nm, and wherein the wavelength of light emitted from at least one of the organic luminescent materials is no more than 800nm (col. 6, ln. 12-52).

17. Regarding claim 15, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where attraction of insects is not desired" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

18. Regarding claim 16, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a

Art Unit: 2879

patient having a light-sensitive disorder is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

19. Regarding claim 17, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a patient having xeroderma pigmentosum syndrome is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

20. Regarding claim 18, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting an exhibit" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

21. Regarding independent claim 19, Shirasaki discloses an organic electroluminescent element comprising an organic luminescent material having electroluminescent characteristics and which suppresses generation of ultraviolet light (col. 7, ln. 18-20), wherein the organic luminescent material is made only of a material

Art Unit: 2879

that emits light having a peak wavelength of which that is within a visible light range (col. 6, ln. 12-52).

22. Regarding claim 20, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, and wherein each organic luminescent material emits light having a color of that is different from the color of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-52).

23. Regarding claim 21, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, wherein each organic luminescent material emits light having a peak wavelength of that is different from the peak wavelength of light emitted from at least one of the other organic luminescent materials (col. 6, ln. 12-19).

24. Regarding claim 22, Shirasaki discloses the organic luminescent material being one of a plurality of organic luminescent materials which are contained in the organic electroluminescent element, wherein the organic luminescent materials include an organic luminescent material that emits red light, an organic luminescent material that emits blue light, and an organic luminescent material that emits green light (col. 6, ln. 12-52).

25. Regarding independent claim 23, Figure 1 of Shirasaki shows a lighting system for suppressing generation of ultraviolet light (col. 7, ln. 18-20), the lighting system comprising a substrate (12) and an organic electroluminescent element (11) located on the substrate, wherein the organic electroluminescent element includes an organic

Art Unit: 2879

luminescent material having electroluminescent characteristics and suppresses generation of ultraviolet light (col. 7, ln. 18-20), and wherein the organic luminescent material is made only of a material that emits light having a peak wavelength of which that is within a visible light range (col. 6, ln. 12-52).

26. Regarding claim 24, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where attraction of insects is not desired" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

27. Regarding claim 25, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a patient having a light-sensitive disorder is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

28. Regarding claim 26, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in

Art Unit: 2879

order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting a place where a patient having xeroderma pigmentosum syndrome is likely to be exposed to light" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

29. Regarding claim 27, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the recitation that "the lighting system is used for lighting an exhibit" does not result in a structural difference between the claimed invention and the prior art. The structure of Shirasaki is capable of performing this intended use.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mori (US 2002/0034657) discloses an organic electroluminescent device. Chou (US 6,165,383) discloses useful precursors for organic electroluminescent materials. Fujii (US 5,693,428) discloses an organic electroluminescent device.

Art Unit: 2879

Contact Information

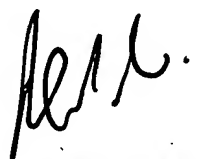
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman
Examiner
Art Unit 2879

kq 
24 June 2006


NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2879